

Notice of Allowability

Application No.

10/767,189

Examiner

James H. Alstrum-Acevedo

Applicant(s)

PANTINI, GIOVANNI

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's arguments/remarks and claim amendments submitted on May 15, 2006.
2. ☒ The allowed claim(s) is/are 1-11 and 21-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/631,879.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph Richter
 JOSEPH RICHTER
 SUPERVISORY PATENT EXAMINER
 GROUP 1200

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: upon amendment of the instant claims and filing of a terminal disclaimer over U.S. Patent 6,699,485 Applicant has overcome the rejections set forth in the office action mailed on February 6, 2006. Furthermore, the prior art of record does not teach or suggest a composition comprising (i) a fluoropolyether phosphate described by formula (I) depicted in claim 1 and further defined by dependent claims 2-7, 21-23, and 26-27; (ii) a solvent selected from the group consisting of linear or branched alcohols from 2 to 3 carbon atoms and their corresponding methyl ethers, linear or branched glycols from 2 to 6 carbon atoms and their corresponding mono alkyl ethers wherein the linear or branched ether alkyl group comprises from 1 to 4 carbon atoms, and dimethoxy methane acetone; and (iii) water. The prior art does not teach or suggest a method of making said composition comprising the steps of (1) solubilization or dispersion with partial solubilization of a fluoropolyether phosphate component A) in component B) at room temperature under mild stirring; and (2) addition under stirring of water component C) initially dropwise, so that component A) is not separated from the solvent, dispersing the drop so that the initial appearance of the solution is recovered before adding the subsequent ones, the water aliquots are gradually increased until the addition is completed, obtaining a limpid solution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

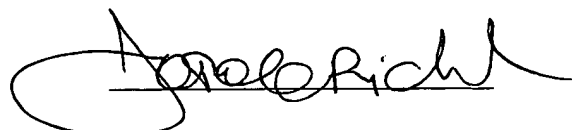
Art Unit: 1616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Alstrum-Acevedo whose telephone number is (571) 272-5548. The examiner can normally be reached on M-F, 9:00-6:30, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571) 272-0664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James H. Alstrum-Acevedo, Ph.D.
Patent Examiner
Technology Center 1600

A handwritten signature in black ink, appearing to read 'Johann Richter', written over a horizontal line.

Johann Richter, Ph. D., Esq.
Supervisory Patent Examiner
Technology Center 1600